

To consider a Single Family Design Review to remodel and expand the existing 1,534 square foot single family residence to 3,344 square feet that is below the zoning district permitted 3,345 square feet for this site. (Appl. No. 2004-0047)

APN: 043-263-210; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)(2a & b)

Applicant: Chris Kummerer

Owners: Leo and Tanya Mitnik

PP de Melo summarized the staff report, noting that staff considered this project a "close call" and believed that the visual bulk from Cipriani Boulevard was an overriding concern; they could not recommend approval of the project in based on that issue. Responding to VC Parsons' question, he noted that concerns related to heat loss from glass relative to Title 24 would be addressed by the Chief Building Official if and when the project gets to the building permit stage.

Chris Kummerer, architect for the project, gave a history of the project, noting that the original architect had died and the proposal is a culmination of 15 months of time with various staff and 2 architects. The house is designed so the living spaces are on the back to take advantage of the views, and the main living level of the addition is below the living level of the existing house. The new living area is level with the current bedroom #3, which is going to be restored to a garage with vehicular access proposed only on Newlands Avenue. The accessory structures in the back yard will be removed, as well as a live oak. They would like to pay the mitigation so that they would not block their own view and the next door neighbor's view with trees. Regarding the bulk, they worked with staff to provide some additional landscape screening in front of the bay window, which is 43' from the street behind a 6' fence.

C Parsons asked about the appearance of two fireplaces and no chimneys on the elevations. Mr. Kummerer stated that they are gas only fireplaces and are vented with the same flue as seen on water heater vents and are non-polluting. He added that he did not look into the Title 24 issue. If required at the building permit phase, they could consider triple glazing or minimizing. Since the windows are north-facing, he did not feel that the heat is going to be a significant factor. He also stated that the wet bar is just a counter with a wing on one side.

C Frautschi asked Mr. Kummerer why they decided to proceed with this project without staff's recommendation. Mr. Kummerer replied that 1) they did not know what the recommendation was until the end of last week, 2) they like the design very much, and 3) there are a number of houses in the neighborhood that have the same issue. In addition, they thought that since they are 43' back from the street and that the plantings and things that they were trying to do would mitigate bulk issues. C Frautschi asked why they decided not to construct a two-car garage when it is perfectly feasible on this site from Cipriani. Mr. Kummerer responded that one of the original designs included a two-car carport but it made for a 3-story structure on the Cipriani side, so it increased the bulk by another story, as well as calling for paving a good portion of the back yard. Also, due to the corner, it is not the safest place to go out.

Mr. Kummerer showed the Commission pictures of neighboring houses and provided them to staff for the file.

C Long asked if the fact that the garage counts toward FAR was a part of the determination in not adding the second garage bay. Mr. Kummerer replied that having the second garage bay would have been done from Newlands and would destroy the existing house, and from staff's perspective, it was difficult on the Cipriani side as well. C Long asked for feedback from the applicant on the alternative design ideas suggested by staff. Mr. Kummerer responded that having a house with 3 different levels in the living area and stepping down from the kitchen to the dining room next to it was not desirable for the Mitnik's. They would have to excavate the area to make that happen and thereby creating a more expensive project to build. He added that the 6' of crawl space is really only that amount at the face; it is tapering so that it is going to be a space that one cannot stand in, and they are planning to screen it with plants. He felt that staff's suggestions might be feasible in another design, but from their standpoint, having another step in there would really compromise what they are trying to do with the living room—having one area that's open to the kitchen and to be able to see out.

Mr. and Mrs. Mitnik addressed the Commission to state that they are in love with the house and have dreamed about it for many years.

C Horton asked Mr. Kummerer if he ever considered excavating into the hill to step the house further down. Mr. Kummerer responded that he could not speak to that because he was not involved at the beginning, but that he tried to work with staff to take some measures to make it not appear so big without totally changing the design. C Horton commented that she sees two separate houses, completely independent of one another; bedroom 1 has no physical connection to the second floor and the other bedrooms are separated by the existing exterior wall of the existing house. It looked like a duplex to her in that it has entrances on both streets. Mr. Kummerer responded that it has never been intended to be used as two units; the wet bar seemed to be a reasonable way to use the space that is off the family room, where there will be informal entertaining and games, etc. C Horton stated that it looks like there are two front doors; a formal entrance facing Cipriani and a family entrance facing Newlands if it is considered one house. Mr. Kummerer stated that there is really no way to get to the house from Cipriani; the entrance is on Newlands; He assumed that they will enter through the garage most of the time.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.

C Wozniak commented as follows:

- Uneasy about a project where the garage existed, was turned into a bedroom and then was not counted as a garage.
- It looked like it needed a two-car garage.

PP de Melo responded that staff evaluated the project as a two-bedroom home because they were clear in the permit history that the bedroom was not a bedroom with any rights associated with it. It was constructed without permit; it was going to be removed back to a garage so it is considered a garage in this plan. CDD Ewing concurred that without permits, it has no legal status as a bedroom. It's only legal status from staff's perspective and from the perspective of the zoning ordinance is as a garage so that is how it was treated in their analysis.

C Frautschi made the following points:

- It would have been helpful if the total square footage of everything on site was listed in such a way that the square footage to be removed via demolition was included, the square footage actually to be added, and the proposed project square footage, so that it was all together. He felt it was a mess of a report.
- Thanked the Metniks for their wonderful job at community outreach.
- When looking at the single-family design review, he had problems with finding A. In his opinion the real façade in its current presentation is not consistent with the character of other existing buildings developed in the neighborhood. It looks to him more like a city hall façade than something they would find in their neighborhoods.

- The height is good; there is no disruption of view.
- Agreed with C Horton that more excavation would have made a better project. The house can't make up its mind which is the front and which is the back—it's like a duplex. He felt very uncomfortable looking at a single-family design review when in the back of his mind he felt like he was really looking at a duplex.
- If bulk were the only issue with the design he might look at it a little lighter; however, he felt there were problems with the mud room, the study room, the potential intensity use and alternative use issues. There is a large half-story crawl space and there is insufficient parking on site for a house this large
- One of the mitigations is to add oak trees and now they are asking not to put the oak trees on site. The mitigation is to reduce the bulk. The chosen trees do well in Belmont but they do not provide screening as they are deciduous and do not have leaves half the year.
- He felt that they will have a problem with the Title 24 glazing; it looked like too much glass to him and it was overpowering.

C Dickenson echoed C Frautschi's comments in that he felt they might have a second city hall on Cipriani. With regard to Finding A, he did not feel it conformed to the neighborhood, and he could not sign off on Finding B due to the bulk and massing.

C Long also saw the similarity to city hall but felt that if a bow window works for city hall it might be good enough for the Cipriani neighborhood. He would have liked to see more grading to set the project further into the hill. He stated that he could support the project with a clearer interior to show how the house lays out as a single-family unit and did not think that the large amount of glass on the north facing would likely be a problem. He felt that with modifications he could support the project.

VC Parsons commented as follows:

- Had trouble with the building being consistent with the character of the neighborhood. The curved glass looked like City hall and not like a house. He would have a hard time making a positive finding for Item A under design review.
- He felt it was too large; when you build a house that the next owner could make into a duplex you've got a problem. The wet bar could easily be converted into a kitchen, the stairs going from the family room level up to that level has a door, which means it could be sealed off, the mud room could easily become a bedroom because it has a full bath next to it, and you could easily have the houses open from different sides of the street.
- He felt that there are some areas that could be squeezed down; the house does not have to be quite that big. He felt that the wet bar was not functional the way it was laid out, and they do not need a mud room that big when they have a laundry room.
- He could not support the project the way it was presented.
- Since they are changing both sides of the house, the Landscape Plan needs to take into consideration how both sides look; the Landscape Plan goes up to the street, not to the fence line, because the neighbors have to look from the outside of the fence; that should be considered also as a part of the Landscape Plan.

C Horton also had issues with the bulk and the consistency of design in the neighborhood. She thought the architect did a great job with roof lines and breaking up the mass except for this thing planted into the middle of the front. She did not feel it belonged in that neighborhood and that it should be set further down on the Cipriani side to reduce the bulk, and it looked like a duplex or could very easily become one.

C Wozniak stated that she had nothing to add but could not support the project.

Chair Gibson stated that in any event he hopes that something is done and that they get a re-built house on the site as it is a mess now. He agreed with staff that it is a close call. He would have to have the trees

there to be able to accept the bulk, and agreed that the curved glass window does look commercial and does not fit in the character of the neighborhood.

CDD Ewing informed the Commission that they had two options:

- 1) Deny the project, giving the applicant the opportunity to file an appeal with the Council or start over.
- 2) If they thought the project could be redesigned, continue it for redesign. He added that there were about two months before they bump into time limits on processing this application.

Chair Gibson confirmed with the applicant that they were amenable to seeking a redesign, and CDD Ewing noted that the applicant should take guidance from having heard the Commission talk about the two findings—compatibility with the neighborhood and overall bulk among the balancing of bulk, grading, landscaping and hardscape, adding that they could work with staff from this point forward if a continuance is granted.

MOTION: By Commissioner Long, seconded by Commissioner Dickenson, that the Planning Commission continue to date uncertain the Single-Family Design Review to remodel and expand the existing 1,534 single-family residence at 2702 Newlands Avenue, based on the Commissions' discussion. (Appl. No. 2004-0047)

Ayes: Long, Dickenson, Horton, Wozniak, Parsons, Gibson

Noes: Frautschi

Motion Passed: 6/1

5B. PUBLIC HEARING - 1405 Solana Drive

To consider a Mitigated Negative Declaration and Conceptual Development Plan for Charles Armstrong School, an existing private school facility. The proposed Conceptual Development Plan includes construction of a new 14,700 square foot activity center and addition of a 900 square foot entry lobby to the existing multi-purpose building. The existing limitation on student enrollment will not change with this project. The number and configuration of the existing on-site parking areas would not change with this project. (Appl. No. PA2003-0099). (Continued from 1/18/05 Planning Commission Hearing).

APN: 045-122-190; Zoned: PD (Planned Development)

CEQA Status: Mitigated Negative Declaration

Mary Lou Orr (Applicant)

Charles Armstrong School (Owner)

C Wozniak recused herself from discussion of this item as she lives within 500 feet of the project, and left the room.

CDD Ewing summarized the staff memorandum prepared for this meeting and noted that, even though the Public Hearing was closed on January 18, 2005, State law requires that any time an item is put on the agenda that is not in litigation or from closed session and someone wishes to speak on it they must be given the opportunity to do so. He added that the Commission's task is to make a recommendation on a zone change to the City Council, based on the requirements of the PD Zone and this application and the material submitted with it. He stated that there is only one finding for a zone change, and that is that the change in the district boundaries or district regulations is required to achieve the objectives of the Zoning Plan and the General Plan of the City. Staff did not provide a specific recommendation because of the complexity of the issues and the fact that they are community values, judgment among the various issues and impacts that they've heard about and on which they've taken testimony.

Chair Gibson asked if the fact that there is nothing in the law that requires them to consider the point of view of San Carlos residents precludes them from considering those points of view. CDD Ewing responded that they should be able to find something in their General Plan that would allow them to link those concerns to City policy. He reiterated that their requirement is to focus on how it fits with the City's General Plan.

Chair Gibson reminded the audience that the Commission took extensive public testimony at previous meetings, they were not eager to hear a repeat of information that they had heard before, and that there would be a time limit of 2 minutes per speaker.

Wendy-Jean Iannico, 772 Walnut St., #8, San Carlos, addressed the Commission as spokesperson for the Peninsula Squares, a square dancing group that has been dancing at the Charles Armstrong School (CAS) on Wednesday nights in the school's multi-purpose room. She wanted to be sure the Commission knew how valuable that time is to them. She gave background on the group, noting that the school is centrally located for all the dancers. She felt that the relationship with the school and the neighborhood has been a happy one and they always close the doors at 9:00. The school performs a community service and a group of seniors get both mental and physical exercise with their friends of many years. She publicly thanked the school and the City of Belmont for the past six and a half years of dancing and camaraderie and felt sure that the City of Belmont would allow them many more.

VC Parsons asked for a show of hands of Belmont residents in the square dance group and learned that there were no Belmont residents among them.

In preparation for discussion of the project by the Commission, Chair Gibson suggested that Commissioners begin by disclosing the contacts that they had with the applicant or other interested parties, and staff asked that Commissioners give their reasoning behind their own points of view, so that they can use that dialogue to form the resolution.

Note: Commissioners' initial comments on this item have been prepared in a verbatim format in order to ensure that they are not misinterpreted by the Recording Secretary.

VC Parsons:

I had met with several of the neighbors in the area and some of the Neighborhood First members, and with a next door neighbor who has a daughter who attends CAS, and attended all of the Planning Commission meetings. I think it boils down to three major things:

- 1) Is this the right thing for Belmont?
- 2) Size, traffic, noise and lighting are all issues.

But there are three things that jump out at me when you look at the Belmont General Plan language. There's language in there that says that we must "insure that institutional uses are designed and operated in a manner that preserves and enhances the character of Belmont's residential neighborhoods." And in the Zoning Ordinance there's something that says "insure that the uses proposed

will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under other zoning districts." In our Vision Statement, we made the comment about "our distinctive community character that its small town ambience sets it apart as tranquil, safe and a desirable place to live." If you take that information seriously then we have a problem with this project. This is a small school site if you take out the City-owned park. In fact that would not be a school for several reasons, one of which it's size and secondly it's located on a cul de sac and not on a collector street. It does not accommodate parking for events going on at the same time as school happens, and since they can't operate after certain hours, they're going to build a new facility, that facility is going to have use during the day, which means there will be a lot more traffic up there, which means there will be a lot more parking required up there, and to say we can use the school property down in San Carlos and people will walk up, we have evidence that that doesn't happen. You can't force people to do that and they're not going to do it so it's going to be continuing parking problem in the neighborhood and on the streets, not on site. That issue hasn't been resolved. Putting this much structure on that small a lot is just way too much; the bulk will be disproportionate to the site. We have two other gyms that we've built in Belmont recently, one at Notre Dame High School and one at the middle school, they operate every night, their lights are on all night, they operate in the daytime, and when you build a facility like this you will find a use for it. If you don't have a use for it you don't need it, so there's going to be a lot more traffic as a result of that. We have bad traffic problems in this area now. Just this past week a non-resident came up Ralston and turned left onto Chula Vista in the middle of the day and hit a Belmont resident, and that person had to go to Stanford Hospital, and it tied up traffic for hours. And I did verify that the person who hit the Belmont resident was not a Belmont citizen. I don't know that they had anything to do with Armstrong School, I'm not saying that. However, that is an issue.

When you get down to the noise and lighting issue, because the building has been placed on the rear of the campus, the comment would be that no windows facing the San Carlos side therefore that's not a problem. Well, what that means is the light and the noise is all reflected towards the Belmont side and up amongst all those buildings; that's going to be a much bigger problem. And I could go on and on and on but I think I've covered most of my points pretty quickly. I just cannot support this project on this location. It's just too big. I think CAS does a great job at what they're doing and they've done quite well without a gym to date. I've talked to several of the parents and said that while it sure would be nice their kids are there not to do athletics they're there to learn how to communicate and how to read and write and get ahead in the world. And I think that CAS can continue on. If they want to come back and consider remodeling their existing facility to make it a little more useable, I think that's something we could consider in the future. If they can ever show that they can't use the current facility to have science labs and all, maybe that's something they should come back with but I certainly can't support this project the way it's put together now.

C Frautschi:

First, I've had no contact with any of the neighbors. I have this policy where I don't meet with neighbors when I'm looking at a project. The only person I've seen was a San Carlos resident and staff arranged for us to look at the site from her vantage point. I was a visitor at CAS to tour the site and I had the little apple visitor's button and that's all the exposure I've had with people.

Mr. Chair, I'd kind of like to begin first with a few general comments if I may and the general comments have to do with the questions that we asked last time, and then I have concluding remarks. The first area I'd like to talk about is Question 6 – page 3 of the staff report. Does the CATI operating on Solana Drive campus comply with the approvals granted by the City of Belmont? The staff found no language that either permitted or prohibited the operation of the teaching institute. CATI was created in 2003 to formalize educational outreach. Staff found no evidence that CATI courses have been conducted on site, but their report states clearly other on-site training has occurred. The Conditional Use Permit states that "No CAS student shall drive to school; during school operating hours, the 70 required parking spaces are intended for school employees and school visitors." I disagree with the staff analysis the "the students of the Teaching Institute are a different population than children attending CAS and are not CAS students as envisioned by the condition." I was one of the Planning Commissioners who asked for the condition and the intent was to cover ALL students. With staff's rationale the student body could be expanded to add other grades with a contention that they really aren't students since they were not "envisioned" as such in the original conditioning. A student is an individual receiving some sort of training on-site. Staff has made the determination that adults are "visitors" to the site, and believes CATI and training courses have been operating within existing approvals. I, however, disagree. The generic nature of the applicable zoning entitlements were intended to protect the neighborhood and City from just such situations. CAS has pushed

the definitions of student and visitors to the point where specific language seems to be required in order to force their compliance. Staff could have anticipated the generic nature of the language in past approvals and advised the Planning Commission, accordingly. However, the language reads "no Charles Armstrong student shall drive to school" – it doesn't add, except adults receiving training with CATI. Finally on CATI, the staff report states that "based on the applicant's description of the current training courses, the increased frequency of use and attendance will be an intensification of the school's use." Further, the "staff believes that proposed training curriculum will be a more intensive use than the existing training." So with respect to the Teaching Institute and the current CUP, I personally believe that CAS is in violation of their agreement with the City. Succinctly, if it wasn't present, and it's now present, then we have a new use.

The next area I'd like to comment on is mitigations. CAS contends that they spent \$600,000 to mitigate the project. In their information, the schools say that they "took the position that all costs incurred after the development of the original Master Plan and the original presentation were mitigating costs." This is a rather self-serving definition for the word mitigation. Mitigations in this case are requests that the City staff and departments, including the Planning Commission, request and require from an applicant to lessen or minimize the impacts of a particular project. Well over two-thirds of the \$600,000 figure given by CAS are not mitigation fees, but rather other project development costs and what I would refer to as "the costs of doing business."

The third general comment I'd like to talk about is McDougal Park. The existing access agreement between the City and the Charles Armstrong School for access to McDougal Park is not a part of the project or the requested approvals. However, the construction of the proposed activity center structure would significantly reduce the size of the blacktop area informally used for parking by both the school users and the park users. City Council might look at re-negotiating the agreement toward the aims of formalization of the actual parking for the park, the public's right to use the parking on the blacktop areas of CAS, better and clearer signage, and a more equitable division of costs to maintain and improve the park for school and residential use.

My more specific remarks: We the Planning Commission must weigh if the CAS's desire for an amended Conditional Development Plan for structural and operational changes are more advantageous to the community, and its General Plan, than any negative effects we believe will occur. Now in way of this, the staff has offered no opinion. I have considered and specifically used Goals 1015.1 and 1015.2 of the General Plan regarding a balanced community and preserving and enhancing residential neighborhoods and Policies 1016.1 on development scale and character compatible with surrounding land uses and a small city environment. Using these guidelines, the initial problem I encountered is that CAS, though in a neighborhood, is not a neighborhood school per se. Only three of its sixty-three teachers are Belmont residents, only 7% of its 260 student population live in Belmont. Therefore, CAS is essentially a commuter school located in a residential area, largely serving a remote, non-resident population. Additionally, the project site is ½ mile from Ralston and causes difficulty in following Policy 1016.10 regarding routing traffic away from residential neighborhoods. The design of the proposed school facilities and operations of the school will create some noise and traffic impacts to surrounding residential uses. However, the largest obstacle to CAS's proposed expansion is Policy 2025.1 – that all institutional uses should be served directly by major collector or arterial roads. CAS is not; it is served by a local, one-outlet street, Solano Drive. And though Policy 2007.4 regarding the complementary nature of institutional uses and residential uses was considered in my analysis, I still believe the trade-offs are unacceptable.

This project is much too large in its current rendition and on the demands it would place on the site, the neighborhood and the infra-structure required to support it. Policy 1016.4 (f) sets the standard that new development structures shall be clustered, where possible, to maximize open space. In November 2002 when I voted to amend the Detailed Development Plan to allow the increase of the student population at CAS, there was no suggestion by CAS that further building would be necessary to support their student population and curriculum demands. The seventy parking spaces I approved as part of that entitlement in my opinion would not adequately meet the parking requirements of this new gym or of potential uses that might develop from the presence of the gym. Off site parking, though possibly available, is not presented to us as a solid, guaranteed and long-term foreseeable solution. The bottom line is CAS must provide for ALL its own parking demands and ideally these solutions would be on-site.

The Belmont Zoning Ordinance, Section 8, says "When the intensity of use of any building, structure or premises shall be increased through the addition of.... seating capacity or other units measurements (then) parking or loading facilities... shall be provided for such increase in intensity of use.

There appears to me to be a pattern of continued enlargement and expansion of its operation and intensity of use at the Solana site. At the time of the November 2002 DDP request, the school had 60 teachers with 70 parking spaces – today there are 63 teachers, Charles Armstrong Teaching Institute activities, other on-site training, a square dancing class and now a proposal for a 53% increase in the CAS campus size. I simply cannot believe CAS's contention that nothing in this proposal changes or increases current activity on campus or its impacts to the surrounding neighborhood. For example, I am not comforted by responses from the applicant regarding hours of operation when the hours are stated, then qualified with words like "exception" or "may".

If the current structures do not accommodate the increased student and ancillary needs, then the CAS board must first meet the demands of the current CUP, decrease the student population to create more space or split their operations to a second campus. Those are just ideas. A more modest renovation and expansion of the Multipurpose Center and the addition of science and technology classroom labs seems more reasonable to me. The Gymnasium Comparisons given to us in Attachment 5 of the January 18, 2005 meeting states that the gym as presented here has a maximum occupancy of 790. Why then, is such a large structure necessary, when the most CAS ever envisions for any event is around 400? Also, no one has ever explained to me why a school that was originally built for 435 students cannot now handle a body of 260 students? I cannot help but think that the gym is more a marketing tool than a curricula necessity.

The applicant is correct that unanimous neighborhood agreement cannot be expected, however, the only consensus that the large majority of the neighborhood currently holds is that they do not want this project as presented. I would have to agree with this point-of-view – though not because a large number of residents are saying this but, because Belmont codes, regulations, guidelines, goals and policies, and more importantly, our General Plan, tell me to do so. As such I cannot support this application as it has been given to us over the past four months. I personally would direct the staff to prepare a resolution recommending the City Council DENY the Conceptual Development Plan for Charles Armstrong School.

C Long:

I have to give my colleague, C Frautschi, a lot of credit for doing due diligence and he is an amazing force, whether you agree or disagree with him. He does a lot of homework and I think needs to be applauded for that. I think he's done a good job of hitting on the technical aspects, and because I love to skew the technical aspects, and I'll sneak a few technical aspects in, but I want to make some different comments. First I want to make some friends. Regardless of this gym's outcome, I certainly hope that the Peninsula Squares get to continue to do what you're doing at CAS. I know that it doesn't currently fit within what's allowed between the City and CAS but I hope that there's a way that the neighborhood, the City and CAS can make an allowance that everyone is happy and allows you to stay there. I may be alone in that sense of it but my feeling is that even though you don't live in Belmont, I think it's great that you are able to enjoy the benefit of recreating in Belmont and welcome. Having said that, by all accounts, CAS is a great school doing great works benefiting at least 10 students in Belmont and the community at large within Belmont in other ways that are less measurable, and certainly communities well beyond Belmont. There are however some drawbacks that are unavoidable in looking at this location and the impacts to the community from having CAS at the end of a cul de sac... (tape turn to 2B)... worked with in a practical sense when you set the code aside. CAS has achieved its current stature and success without a gymnasium and I think that that's an important consideration. There was a board member, I believe a current board member, who spoke about he was all-State in track, he had gone to CAS and then gone elsewhere to high school after he had finished at CAS, and it didn't seem that not having a gymnasium had impacted his ability to have a great athletic career, and I thought that was also telling. While it is certainly a noble aspiration of any school to have a gymnasium and it certainly benefits the students, I don't want to take anything away from that; I'm not sure that it is a crucial need but that's not for me to preach about. What I'm here to address is the code. In thinking about the location itself, the school board or the City developed the site roughly 50 years ago as a public elementary school where most kids would walk or they'd ride their bikes or they'd probably take a bus or be driven or car-pooled each day to school, and in that case 50 years ago this was probably an ideal location – at least a workable location. 30 years later, Prop 13 and demographic changes in the interim, the CAS was begun in the previous McDougal Elementary School, and then by its nature, as not just a private specialty school catering to children with special needs, but in fact they draw kids in from the greater area. CAS is not a school where it is feasible that kids would ride a bike from Burlingame or from East Palo Alto or wherever the kids come from. So I think that that is a practical consideration that we're trying to deal with, and the fact that it's not a perfect fit within the neighborhood has created some ill will that I think carries into discussions we've had at these three meetings. I would add that perhaps CAS should have hired a professional PR person 3, 4, 5 or 6 years ago to try to lay the groundwork for a proper

relationship with not only the immediate surrounding area but also the City. That's just a suggestion that maybe 5, 6 years from now this won't be so difficult, or at least the opponents won't be so strident. And that would be my hope. The other thing that I think is worth discussing, and I'm not sure that it's been discussed at any length at any of these three meetings, and that is that some of the frustrations about the school and where it's at today are born out of the limits that have been placed on CAS perhaps willingly by CAS, I'm not sure, it's hard to read the past in looking at all the documentation, but the limits placed on what community activities may occur at the school. This is a great example of a group that wants to spend time at the school and there could just as easily be 5 people from Belmont that want to square dance and do that at CAS, but because of the way the regulations are written for this site you are kind of painted into a corner where you lose your natural constituency whether it be boy scouts or as a polling place or you can have limits on your own internal PTA. I don't know if that's what it's called – they can only meet a certain number of nights a week. And I'm empathetic to the neighbors and I understand why they want to keep those limits in place but it really paints you into a corner because your natural constituency in Belmont is very slender, and I wanted to make sure that that's clear because I think that's an important thing to look at. I thought it was revealing that at the last meeting, I believe, when we had the public comments for CAS, we also had in the room the Headmaster for Notre Dame High School, who followed you, and she seemed so thrilled. I think she came in thinking, oh boy, the Planning Commission and the community is going to give me a good lecture about the way we've been running our school, and then I think after she saw what CAS is going through she was just relieved that her situation was very low hurdle by comparison to what you're facing. Part of that is that she's on Ralston and that she's not at the end of a cul de sac, part of that may be the general good will that the university and by affiliation the high school and the elementary school has gotten by mounting a very public effort to ingrain themselves within Belmont's social fabric and political fabric and I think they've done an admirable job of that. So, there were some comments from the meeting on January 18th that just stuck on my head and I can't get them out of my head and they're really straight from the General Plan, and that's that new developments must be on a scale that blends into the surrounding neighborhood and character. I have a tough time making that Finding. I understand there are some other schools in other parts of the Bay Area that have done – I'm always in favor, by the way, just so you know where my bias is, I was in pro-grading and anti-bulk—and I'm certainly that way in this case. I would have probably been able to support this project had it been deeply enough into the ground. I certainly could have supported it if I could just accept the scale, and the scale of this seems a bit massive for what I can accept reading the code.

Then I wanted to just discuss a few of the comments that Attorney Haesloop made. I thought that he was an able spokesperson and I was impressed by some of the things he said but I may be alone there. One of the things that he spoke to was schools are an integral part of the fabric of residential neighborhoods – I strongly agree with that – and that this school is not out of place. It's right where the zoning code says it should be. I have a tough time making that as an easy statement. I tried to ask you the question at that meeting – what if there was no school there and you wanted to put a school there, what would be the hurdles that you would be facing, and I think the hurdles would be immense, so in some sense this is a hard thing to think about, but in some sense you're luckier there and it could be worse. If you were trying to find a location and looking at this location to move into this could go a lot worse and you might not be welcomed into Belmont, and as it is we're glad to have you, we just may not be glad to see that gymnasium as planned. And then another thing that was said was prohibitions placed on to CAS keep it from being an integral part of the neighborhood, which is something I mirrored just now, and then I'll cut short there, some of the considerations... again, back to the public good of the structure is not really what we're looking at but it's easy to read in the General Plan a lot of places that this is not a real easy fit, and so I have some discomfort with the scale and the fit within the neighborhood of the existing plan.

C Horton:

Let's see, what should I – I have been to the San Carlos neighbors to look at the property, I am married to a member of Neighbors First and I am a resident of the neighborhood but far outside of 500'. I am also active in the neighborhood association. I think that's about all I should disclose. I have spoken to Rosalie and Mary Lou – they've been in my home – and other members of Neighbors First, but I have not participated in any meetings with them. I've done a lot of research, more because I'm part of the neighborhood, I think, and I wanted to make sure I completely understood everything that I had heard. There's a lot of stuff flying around and you know, you don't necessarily believe it until it's proven true. So I actually did go to City Hall and I did pull the files and I did have 312 copies of pieces of paper made for me, which I duly paid for, and I'm sure those guys over there would like to kill me, but maybe you would, but anyway, I sorted those and I looked through those and that's helping me to come to a decision. There's two items I want to discuss outside of the actual findings for the General Plan and the

Zoning Plan. 1) Armstrong's need or requirement to have facilities similar to other local schools and 2), the traffic and specifically Mr. Haesloop's "Belmont as the education capital of the peninsula."

A number of CAS letter writers indicated that they felt that the CAS facilities weren't up to State standards for a school, and because so much time has been spent on this issue during these proceedings, I wanted to understand the issues. So I have spoken with two employees of the Office of the State Architect, which is the agency that oversees the planning, design and construction of public schools under the guidelines of the California Department of Education. In November of last year I spoke with Diane Waters at the OSA about how an elementary school site is selected. (I'd like to note here that grades 1 through 8 when combined are considered an elementary school.) The sites are selected on the basis of health and safety and verification that the location is "compatible with the uses surrounding the site." And she specifically said you wouldn't put a school next to a porn shop or in a heavy industrial area. But if you actually read the CDE they'll say they're looking for

- Safe walking areas
- Centrally located to avoid extensive transporting and to minimize student travel distance
- Compatible with current and probable future zoning regulations, which aligns with Belmont's criteria as well
- Close to libraries, parks, museums and other community services
- Favorable orientation to wind and natural light.

So obviously this criterion specifically locating schools within the attendance area of its students in an attempt to promote walking to school.

Diane then directed me to Dave Hawke in the OSA who is responsible specifically for the Belmont area. My first question to Dave was "When is a gymnasium a requirement for a school?" His answer is – high school, grades 9 through 12. There is no State standard or requirement for gymnasiums below the high school level. Many middle schools have recently constructed gymnasiums to address specific PE programs at individual schools. Ralston Middle School, with a student population of approximately 900 students in grades 6 through 9 constructed its gymnasium just three years ago. Until that time it held competitive sports programs in its multipurpose room.

While I understand CAS's desire to have a gymnasium similar to other private schools I don't believe that a gymnasium at a school with an existing multipurpose room is a requirement for an elementary school of 260 students with average student tenure of 3 years.

Now, as far as Belmont Education Central, while most of us who live in Belmont like to believe that Oracle is the big bad traffic generator, in fact I think we all know it is Belmont's schools – public and private alike. The closure of public schools over the years and the elimination of school buses have forced parents to drive their children to school, and I'm one. McDougal School is a prime example of what happens when a neighborhood school is closed. Not only has the McDougal neighborhood lost its neighborhood school, the school district has split the neighborhood – sending kids to two separate schools on opposite ends of town, sold the school to a private educational institution. If that isn't enough, the McDougal neighborhood has on the north side – Notre Dame elementary and high schools, and on the south side Carlmont High School, and if you want to go west it has IHM. So we have a local neighborhood driving out to opposite ends of town, CAS coming into the neighborhood, Notre Dame and Carlmont, and maybe IHM, crossing the neighborhood to get to those schools. These decisions that began this evolution to what we know today were made 20 years ago. I think it's our job as Planning Commissioners to look ahead yet another 20 years and not to repeat this history.

So Mr. Haesloop is right about Belmont and while we may be proud hosts of so many fine educational institutions it is partly because of these institutions and the traffic they generate that our quality of life is slowly eroding away. While CAS may not be the sole cause of this problem it is most certainly a contributor. The recent pedestrian accident at Chula Vista and Ralston is the very reason that any intensification of use should simply not be considered at this location.

I have read through, heard the public testimony from the CAS supporters, Belmont neighbors and staff report information. I have attended meetings addressing City traffic mitigation attempts on Chula Vista. I visited various private schools in the area, have made observations as a resident of the McDougal

neighborhood, and with all of that, I have based my findings on the General Plan and the Belmont Zoning Ordinance. They are as follows:

General Plan 1015.2: I can't find how the addition of a gymnasium at the CAS in any way "preserves or enhances the attractive, family-oriented and tranquil quality of the Belmont residential neighborhoods." It's an intensification of use.

I cannot find that this proposed development is "of a scale and character compatible with surrounding land uses and Belmont's small city environment." (1016.1) The mass and bulk of the building is not in keeping with the surroundings.

I find the intensity of land uses outlined in Policy 1016.2 is not met in that the "intensity of land use should decrease as... distance from major thoroughfares increase." A dead-end street off an undersized and over-capacity collector is not an acceptable location.

I also find that the addition of a gymnasium to the existing multipurpose building which allows for potential areas of assembly that would accommodate 655 people would not be in keeping with policy 1016.10 that advises "Through traffic... be channeled onto major streets and collectors and diverted, to the extent possible, from residential neighborhoods. The fact that CAS claims today that they will not host events that fill the gymnasium and the multipurpose room at the same time does not preclude this from happening in the future. To permit the possibility of this happening on a dead-end street accessed off a collector road that is so over capacity no one knows how to fix the problem is wrong. It is our responsibility to plan and to plan ahead – years ahead.

I find that General Plan Policy 1016.11 and 2084.2 and 2084.5 which require adequate off-street parking be provided has not been met – BZO 84.6a requires one parking space for each 6 permanent seats in place of assembly. CAS has 288 bleacher seats in the proposed gymnasium and 91 in the existing multipurpose room –this would require 63 parking spaces over and above the parking required for staff and visitors – currently they have 10 over. I don't see these additional 53 parking spaces on the preliminary plans nor do I see how they could be incorporated. In addition, should the adult classes at the school continue, additional parking would need to be provided for those students as well.

I cannot find for General Plan Goal 2051.2 that this expansion would "...preserve and enhance the character of Belmont's residential neighborhoods." Again, it's intensification of use.

Policy 2052.1 that advises, "All institutional uses should be served directly by major collector or arterial roads" and that is not met.

The current design does not meet 2052.2 which states that "all institutional uses should be located and designed to be compatible with the residential character of the surrounding neighborhood... (and that there be compatibility) in terms of traffic generation, parking, and noise... insured prior to the establishment of any... expansion of an existing (institutional) use." The design is not in character with the surroundings and the use is not compatible, and the potential for traffic generation and noise is considerable.

Policy 2081.3 notes that when it is determined that through traffic adversely affects a residential area... actions should be taken to... reduce the traffic.... Chula Vista is known to have a traffic problem – this expansion does nothing to mitigate the problems; rather it begs a potential increase in the problem.

As far as the Belmont Zoning Ordinance goes, 12.3B directs us to basically go back to the beginning and look at the PD process from the get-go. It says that the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be determined to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts. I do not believe that the public testimony heard from the neighbors supports this statement. Both the school itself and the dependence it has on the public park do not create an environment of sustained desirability and stability... (that result in) a beneficial effect which could not be achieved under other zoning districts.

That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density would not generate traffic in such amounts as to overload the street network outside the PD district. Chula Vista Drive is already overloaded; any additional capacity simply makes it worse. The potential for an additional 288 people to convene in the gymnasium created more problems.

That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of the Belmont Zoning Ordinance... As noted previously, the parking as proposed is not in conformance.

12.4, The Planning Commission shall not grant a Use Permit for any use or uses in a PD District, unless it finds: Such use or uses substantially conform to the adopted General Plan of the City of Belmont. And I think I've stated why I don't think they conform.

I do wholeheartedly admit that it is very likely that CAS needs an updating, that the physical plant needs an updating, and that science and technology classrooms are probably a must. It may also be the case that the existing multipurpose room should be renovated, and I am personally willing to take a look at that proposal for that kind of scope of work but not for an expansion of the scale and character of this proposed gymnasium complex.

C Dickenson:

I've had contact from Neighborhood First and Peninsula Squares and I did view the back yards of the San Carlos residents. I would also like to agree with C Horton's interpretation of the General Plan and the Zoning and how it affects the surrounding neighborhood. The Land Use Attorney – there's a quote that really sticks in my mind—and that was "Buildings do not create traffic." Well, let me say that the people that use those buildings in the square footage do and that's a reality. I feel that the applicant has not made a best effort to minimize the massing, the bulking of the building by choosing in the direction of cutting in and rolling the gymnasium into the existing plant, the structure that's there.

In close, I'm just very disappointed with the applicant's use of its students, much like a shield, in this application process in putting them in front of you. You as adults – its administrators and the board of CAS – should be very ashamed and I'd give you an "F" grade on your performance. You should be nurturing those children and you should be teaching them, and that's what you should be focusing on. I think you should take a very, very serious look at your student body after this hearing concludes and you go through the process with the City Council. I think they should be distanced from this. I think you're setting them up for failure and children in general have enough challenges in life that they should not be involved in politics like this. That's all I have to say. Thank you.

Chair Gibson:

Contacts: I have had numerous contacts. I had a phone call with Rosalie this morning discussing the mechanics of this meeting, went there Friday, January 14th, went on the campus and put buckets down at the corner of the buildings and then I went around to the back with Jackie and went in the Criswell's back yard to take a look at the buckets from there, and had a brief conversation with Rosalie during that trip at which we discussed the format of the meeting and she told me about the neighborhood meetings that they had just held. On November 11th I went up there to let them copy my staff report because it was a holiday and they were panicked because they didn't have a copy so I let them copy mine. At that time I discussed the format of the hearing with Mary Lou. While I was there she said, I want you to look at something, so we stuck our head in the activity room and there was a basketball game going on. They were scooting around on these little pallets or something on rollers. But that was not a set-up; she didn't know that I was coming at that time.

At another date in November, I don't know the exact date, I went up there to observe the traffic – went up there at 7:30 in the morning and lots of traffic for an hour, also went on the campus at that time.

In the spring of 2003 there was a meeting at City Hall with Mary Lou and Phil Mathewson, at the time, and Craig and Carlos and I think their architect. I don't remember a whole lot about that discussion. I think we discussed what their strategies might be; if anybody cares, we can dig that up. I also went to visit the campus at that time and observed the traffic at that time. I might have missed one or two but I don't

think... Well, I've been up there on Saturdays just to hang out and watch what's going on on Saturdays but that wasn't really visiting anybody.

I don't think they have a clue how I'm going to come down on this because I don't think I tipped my hand, but you never know. I have a bunch of comments, some of which are, in the last analysis, not relevant but since they've been presented by Neighborhoods First and others, I feel that I want to respond to them. First of all, one of them asked me about a comment I had made about misinformation on both sides and what I was alluding to there was the idea that CAS was out to build a high school or expand enrollment.

Next thing I got it that they want and need a gym. My view on that is different from Bill's; it's probably a learning experience for the kids, but the way it was handled was not helpful. We were swamped with letters and we got two copies of each and staff had to sort them out and eliminate the duplicates and make ten copies. I've got a big thick binder at home full of letters and the marginal benefit of the 50th letter was almost negative. But when all is said and done it doesn't matter.

The comment on the notion that staff has been dragging their feet – that's absolutely not true. (Tape turn to 3A) – in this day and age we have complicated laws and we have complicated provisions to the degree that I never really fully appreciated before this project came to us. But the staff has done a commendable job and I can tell just from my conversations with Craig that they certainly did not do the kind of job that's sometimes said "close enough for Government work." They put their heart into this and I commend them for that.

The Neighborhoods First emphasis on history, in my opinion, is misplaced. The lawsuit that took place 17 years ago is irrelevant and it's not a sin to file a lawsuit. People are entitled to file lawsuit if they feel they've been wronged. What matters are the conditions that are in force right now and staff has summarized those. One of the things Neighborhoods First or others perhaps asked for is a permanent stop to development at this facility. Well, the fact is we have a certain application in front of us today and we have to judge that application. They have a right to come back and make further applications. Anybody can apply; they can do anything they want pretty much. So it may be in their heart of hearts they want a high school and they could come in tomorrow and apply for a high school – tomorrow, 5 or 10 years from now, whoever is sitting here now will deal with that. We have to deal with what's in front of us.

It was also asked that this project have no negative impacts. That's the kind of absolute that we don't get to in this line of work. I can guarantee there will be negative impacts if it is improved. There will be construction noise, there will be trucks, there always is. If we held to a standard of no negative impacts there would be no new construction in Belmont and no new remodeling. What we have to do is see that they are reduced to reasonably low levels.

Neighborhood relations have been an item in this application and, while I think the vast bulk of the responsibility for neighborhood relations lies with CAS, they're the 800-pound gorilla, I think some lies with the neighbors and I have to say that there have been reports of one of the neighbors shouting obscenities at the children, which if true is contemptible in my mind.

The petitions that were gathered by the proponents are pretty much useless in my mind because sitting at Safeway, you've got 15 seconds to give them a sound bite and they sign the petition just to be nice and get you out of their face.

The petitions that were gathered by the opponents among the neighborhood are a lot more meaningful in my opinion. They said they spent time with each signer and made sure they got to the heart of the issue, so I tend to believe that and I place considerably more weight on those petitions.

The park – staff has told us we cannot bring the park agreement into this issue unless doing so would solve some problem that this application raises and solves it better than any other solution would solve it. And I don't see such a solution, such a tie between the application we have before us and the park agreement. I did ask Karl Mittelstadt, who has been in Belmont forever, how many complaints he's gotten over the years about the access agreement to McDougal Park, and he said "none until last year he got one or two." Nevertheless if the neighbors say they are dissatisfied with the park agreement that's fine, but they need to approach City Council or City staff; I don't think that's something we can take into consideration with this application.

The next three items are going to sound like I'm reading from Mr. Haesloop's script, but I wrote this before I ever laid eyes on him, so I disavow that. It does, in fact, in my mind boil down to three issues: Noise, Traffic and Visual Impact.

Noise: I was in the Criswell's back yard during recess and noise was quite evident, but I think it's quite pleasant to me, the sound of kids running around and yelling and stuff. It's probably something that Criswell's don't hear anymore, when you hear something enough it just kind of leaves your consciousness. So noise is very much a subjective thing. We did get some factual information in the Initial Study where they took measurements at real gyms, which satisfies me that noise will not be a significant issue should this project be approved.

Traffic: The Initial Study addressed traffic but it was not very satisfactory at all, in my opinion, because what they did was dredge up the traffic study that was done for the enrollment increase and there was no mention of the existence of a new gym. Theoretically, if there are no events being held in this gym that aren't already being held outdoors there's no effect, but that's kind of hard to believe. These experts, they said, well a gym is not in our book so here's what you get, and they collect their fee and off they go. I've been up there twice at 7:30 in the morning watching traffic and I have to tell you it's smooth as glass. There is no impact whatsoever on Solano Drive. The fellow, I forget his name, with the beard goes out there every morning and he directs people in and out, if there's somebody coming down Solano he stops them, so there's no effect. There's certainly an effect on Chula Vista, no question that CAS is part of the Chula Vista traffic. I did not observe more than three cars backed up at the stop sign at any one time, so yes, there's traffic on Chula Vista, and yes it's bad, but compared to what? Go down to Alameda in front of the high school; it's awful, I mean you can hardly get through there in the morning, takes about 15 minutes to get by Carlmont High School in the morning. We all cause traffic. People have more cars; there are somewhat more of us, teenagers drive that didn't drive in my time, so CAS is one of many contributors to the traffic in this town.

Parking: Kind of goes with traffic. They will lose a certain amount of blacktop parking if this gym is built as proposed and that certainly can be a problem on Saturdays during their games. There are proposals to provide parking at Terra Linda but it's really not credible to me to think that people are going to walk up from Terra Linda. I started to walk down from the park and I thought well, I better not be wandering around the Terra Linda campus during school hours so I didn't go all the way down but I don't think it's any place anybody wants to walk – you come to a graduation, you're in your nice clothes, you're not going to walk up there, you're not going to walk along Alameda, there's no sidewalk there, it's probably half to three quarters of a mile, so if they want to propose use of Terra Linda for overflow parking they have to have something better than saying "walk up the hill." We did get photos from Mrs. Allen showing parking all over the streets, we're not absolutely sure that those were CAS people but it's a pretty good bet.

Visual Impacts: I stood in the Criswell's back yard and looked at my buckets and tried to figure out where the top of the building would be, and I have to tell you it's a substantial impact. Now, in Economics, when there's an effect of a transaction on a third party who is not part of the transaction, it's called an externality. There are positive and negative externalities, so if I build a nice looking building and you drive by and you like the looks of it it's a positive externality. If I make a lot of noise it's a negative externality, so I asked myself, well what externality is involved in the proposed building of this right next to the Criswell's back yard, and are they imposing a positive or negative externality or are they removing an existing positive externality, and I believe it's the latter. They have enjoyed the view over the CAS private property, which in my mind is a positive externality, it's something that they benefited from but CAS was under no obligation to provide to them. I think from experience, I live in a house with open space on three sides around it and I know if someone comes along and wants to build on a piece of open space that you've enjoyed views you get really upset about it but I'm under no illusions that people couldn't – well, one side of it is City of San Mateo, I don't think they're going to build, but I'm under no illusions that the owners of those other two parcels being building lots couldn't apply to build something. I don't think it would help much to push it 5' back from the fence, it wouldn't make much difference to the Criswells and would be a detriment to the CAS buildout on the CAS property.

So to get down to the nub of the issue, we have to find whether these changes are more advantageous to the community and its General Plan than any negative effects we believe occur, quoting from the staff report. On the plus side, 1015.1 is further by this project because, as the staff report says, "A school is on an equal footing with other types of uses that are desired in a balanced community. The goal does not distinguish between public and private schools.... The proposed project is a reasonable expansion of the

existing school facilities while continuing the school use of the site.” Well, they weren’t talking about private schools when they wrote that, they were talking about neighborhood schools. Well, we don’t want to go there, in my view, trying to interpret what the people thought when they wrote the rules twenty years ago, or whatever. We have to take the rules as they are written, even though it feels sometimes like staff is handing us a round peg and asking us which square hole we want to put it in. We have to work with what we’ve got. Goal 1015.2 on the downside is to preserve and enhance the attractive family-oriented and tranquil quality of Belmont’s residential neighborhoods, and there is definitely a potential for adverse effects here, but I believe these can be mitigated. Noise – I think we have sufficient evidence that noise will not be significant. Traffic – There are definitely potential traffic and parking problems, and I’ll list my mitigations in a moment. View – view is not explicitly protected in our laws, and I think it’s very fortunate that the Dartmouth people, the Criswell’s in particular and one or two others, will lose something that CAS has been giving them essentially over the years, but that that is the way it would fall.

So I would recommend that the Council approve the CDP and the negative declaration but with significant conditions applied, to wit: restrictions on the hours of activities and the kinds of activities that can be carried on in this new facility and those have to have teeth and they have to be enforceable. I would like to see the building 5’ lower than it is right now, and I would like to see a credible plan for overflow parking during special events, because as I said, the one they have now is not credible for assuming people will walk up from Terra Linda. And last but not least we have to let the square dancers continue, for heaven’s sake, so being out of voice and I’m also out of paper fortunately, and even though I’m kind of in the minority I would like to compliment all the Commissioners on what I saw as very thoughtful and well-reasoned comments on this issue.

--End of verbatim comments---

Chair Gibson asked if there were any follow-up comments, responses to other Commissioners, or questions. There were none.

MOTION BY: VC Parsons, seconded by C Dickenson, asking staff to come back with a Resolution denying this project. (Appl. PA2003-0099)

DISCUSSION: C Frautschi stated that he concurred with Chair Gibson and C Long about the Peninsula Squares. He believed the CUP doesn’t currently allow it but that the City Council in its infinite wisdom would be able to straighten that out.

Ayes: Parsons, Dickenson, Frautschi, Long, Horton

Noes: Gibson

Recusal: Wozniak

Motion passed 5/1/1

CDD Ewing said they would return with a Resolution for adoption at the next meeting, and asked those with written comments to please share them with staff.

Chair Gibson reminded the audience that all they are doing is making a recommendation to City Council; Council will be the ones to make the final determination.

Chair Gibson called a recess at 9:05 p.m. Meeting resumed at 9:15 p.m.

Commissioner Wozniak returned to the dais.

5C. PUBLIC HEARING – Zoning Map Change and Amendment to Zoning Ordinance

Project Description: 1. Zoning Map Change. To rezone certain City-owned properties from HRO-3 (Hillside Residential and Open Space) to A (Agriculture) and,

2. Zoning Ordinance Amendment – A (Agriculture) District. To consider revisions to the list of permitted and conditionally permitted uses.

These projects, if approved as proposed, will reduce development potential on City-owned sites in the Western Hills Area. (Appl. No. 04-0053) CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment. Applicant: City of Belmont. (Continued from 11/3/04 meeting).

CDD Ewing summarized the staff report, referring to a map on the wall for clarity. In response to questions from Commissioners Frautschi and Horton, CDD Ewing explained that the current language is in the staff report and the proposed revisions in strike-out and underline format are in the attached Resolution.

Chair Gibson opened the Public Hearing. No one came forward to speak.

MOTION: By VC Parsons, seconded by C Frautschi, to close the public hearing. Motion passed.

MOTION: By C Frautschi, seconded by VC Parsons, recommending to the City Council an amendment to the Zoning Map in the HRO-3 District and to Section 7 (Agriculture District) of the Belmont Zoning Ordinance. (Appl. PA 2004-0053)

Ayes: Frautschi, Parsons, Dickenson, Long, Horton, Wozniak, Gibson

Noes: None

Motion passed 7/0

6. OLD BUSINESS

6A. Revocation Hearing Status Report – CUP Arco Service Station Reconstruction Project – 470 Ralston Avenue.

PP de Melo summarized the staff memorandum, recommending that the Commission not set a Revocation Hearing since the applicant has installed the required landscaping for the project and satisfied the requirements of the outstanding project condition of approval.

Staff responded to questions from the Commission as follows:

- The State Government Code gives cities zero teeth in terms of having regulations for California State Lottery signs.
- He will be following up with the applicant on the issue of installing a more secure bench; this could take anywhere from 30 to 60 days.
- Staff will see what they can do about the color of the storage tanks – i.e., why they are not neutral like the background and foreground colors of the fencing. The color was not part of what they approved; it was added afterwards.

MOTION: By VC Parsons, seconded by C Dickenson, that this item be tabled.

Ayes: Parsons, Dickenson, Frautschi, Long, Horton, Wozniak, Gibson

Noes: None

Motion passed 7/0.

6B. Safeway Code Compliance Update – 1100 El Camino Real

PP de Melo reported that the applicant is ready to install the landscaping for the parking lot but they are waiting for the rain to subside. No additional plumbing is proposed so there are no specific building permits associated with taking out the old trees and putting in the new. They are still working on their remote control for the gate. He had not observed any delivery issues but did notice two shopping carts outside the Twin Pines Senior Center so they will go back to the applicant to make sure that their cart service is continuing to do their job. All elevations of the clock tower indicate the correct time. They will continue to keep this on the agenda until the landscaping is installed and all the other issues are addressed.

C Long noted that he had seen a lack of compliance in the area of the gate being open when it should not be.

C Dickenson suggested a memo be passed on to the Senior Center through the Parks & Rec. Department to make sure that they can be a good neighbor and possibly get the shopping carts back.

C Horton proposed that Safeway offer to give neighborhood kids a buck for each cart they return, but the issue of liability was suggested as the reason that would not happen. CDD Ewing noted that in San Francisco they have small devices on cart rollers that when it crosses a magnetic strip that's placed in the concrete around the parking lot the wheel locks up and the cart cannot be rolled any further. C Frautschi stated that that had been suggested to the Safeway people; he assumed cost of installation was the obstacle.

PP de Melo stated that they will have an update at the March 1st hearing.

Responding to C Long's inquiry, PP de Melo reported that the outdoor produce carts for the Alameda Safeway is targeted for the next meeting. Plans have been submitted and public outreach has been completed.

6C. Priority Calendar

CDD Ewing summarized the staff report, noting that there was a ballot on the back of the staff report so that they can individually set their priorities. Staff will then tally their votes and create a priority list for the Commission's recommendation to Council.

RS Flores informed the Chair that Denny Lawhern had asked for permission to address the Commission regarding this item.

Denny Lawhern, 408 Hiller Street and President of the Belmont Historical Society, reviewed the background of the Society, noting that Historic Preservation was on the Priority list in 2002 and then disappeared. He had also submitted a letter to the Commission from the Society detailing what they would like to do to bring this topic back to the 21st Century. He believes now is the time to start addressing this issue as the City's older historic stock gets older. As a stop-gap measure, the Society feels that they need to consider a Planning Commission review of anything over 75 years old, even its just to replace a fascia or something like that because it's becoming very critical on some of the buildings. To comply with the State and Federal, guidelines the inventories must be updated every 5 years. He feels that the Municipal Code is disjointed from the building codes that guide people when they come in to make an application and, if staff fails to recognize that it is an historic home, and it's located other than in the Municipal Code somewhere, there is a problem. He also feels adoption of the Mills Act is very important; it would provide a voluntary financial incentive for private individuals who are going to restore their homes. He concluded by asking the Commission to seriously consider putting this item back on the Priority Calendar. The Historical Society is committed to working with the Planning Commission and Council in some manner to help out with this project.

Responding the Chair Gibson's question as to how the financial incentives work, Mr. Lawhead stated that it is primarily a tax incentive with a 10-year agreement to do certain things.

C Frautschi asked if Mr. Lawhead knew why Notre Dame High School was not added to the list when it was first done. Mr. Lawhead responded that there are different categories and he believed the high school was listed in the historic inventory. CDD Ewing later clarified that NDHS was probably inventoried but it was not included on the list of designated historic resources. He explained that a lot of buildings were inventoried

and then out of that came a specific list that the Council adopted as the ones that they wanted to protect; the high school was not included on that final list.

C Long asked Mr. Lawhead about the de-listing that occurred sometime around 1993. Mr. Lawhead explained that once the Municipal Code was adopted there's a process that you have to go through to de-list your properties, obviously if you are going to be demolishing a building. He stated that there are certain things that have slipped through that need to be looked at.

C Dickenson asked staff if it would make sense to combine Real Estate Signs and the Sign Ordinance. CDD Ewing responded that the Sign Ordinance came from the Commission and the Real Estate Sign issue came out of the Council, and suggested that they think of them as different. The Sign Ordinance issue will be a comprehensive update of the Sign Ordinance and the Real Estate Sign Ordinance was to take a look at how they regulate the placement of real estate signs on properties. After discussion, he suggested that they could lobby for everybody who is passionate to ignore the Real Estate sign issue and vote for the Sign Ordinance, which would capture real estate signs within it.

C Horton felt that that Redefining Building Height and Residential Design Guidelines could also be part and parcel. CDD Ewing explained that, as he understood it, the difference between those two was that the Building Height is to actually change the zoning standards and the Residential Design Guidelines was a guidebook of examples of do's and don'ts and they wouldn't necessarily change zoning standards unless that was a specific part of the project. C Horton added that one of their biggest challenges is how to measure a building on a certain slope, and they are looking for guidelines so that they can get away from the monstrous buildings that are 60' from grade from the street and 28' from the hill they cut into, so she thought they would roll into each other in effect. CDD Ewing stated that since both of these items came from the Commission he was less concerned about combining them in some way if there is agreement on the Commission to do so, or to vote for one instead of the other with an understanding that it is to be defined. Chair Gibson stated that he did not want the building height issue to get lost in the other things.

C Long asked how much of the other 14 projects would be touched if they put their teeth into the General Plan Update. CDD Ewing responded that the General Plan is not the Zoning Ordinance, so he felt that of the 15 projects the only other long-range planning project on the list is the Cal Train/"Grand Boulevard" project, which could be taken up in the General Plan Update.

C Long lobbied in favor of putting Historic Preservation at the top of the list, noting that in his letter to the City, Mr. Lawhead referenced a recent demolition or changed building that is yet another stain on Belmont's collective historic soul. He also challenged his fellow Commissioners to not overlook the General Plan Update since he felt that the current Commission is worthy to take up the task. He asked that they minimize the CalTrain/"Grand Boulevard" Planning because he thought that could be rolled up into the General Plan Update.

Responding to a comment that the General Plan Update would happen if and when the money shows up, CDD Ewing stated that there is a surcharge of 22/100% on all building permits that generates about \$60,000 a year and is reserved in the general fund for the General Plan Update.

C Dickenson stated that he felt that the CalTrain/"Grand Boulevard" issue is very important in that a face lift is needed there. He does not see it rolling into the General Plan Update and asked the Commission to get it in their top 5 on the priority list. Discussion ensued regarding a SamTrans grant from the Metropolitan Transportation Commission, which will deal with a streetscape improvement plan for the CalTrain station and surrounding streets, and the under-grounding of utilities.

C Frautschi stated that he is willing to change one of his priorities in order to get Historical Preservation moved up; that it is something that the City deserves to do for itself. He also favored placing the Tree Ordinance in the top 5.

C Wozniak stated that Parking Lot Screening and Lighting was not her number one priority but believed since there is an ordinance already all it would involve would be tweaking some numbers, adding a bit of language and getting agreement on it so it would not take very long. She felt that Historic Preservation and the Tree Ordinance are important because, once a tree is gone it's gone forever, and once an historic building is gone it's gone forever. She feels they need something that recognizes that, although some of

these trees are junk trees, when they're gone there's no tree there. She also believes Historic Preservation is important in that perhaps some of the buildings that have been torn down could have been restored and would have added character to their neighborhood. She also felt that the General Plan Update is important since perhaps some of the other things would be incorporated into it and then they would have fewer items to vote on.

Commissioners filled out their ballots and gave them to CDD Ewing.

7. REPORTS, STUDIES, UPDATES AND COMMENTS

C Long, with concurrence of the Commission, asked that a brief discussion about what happened at 525 Kingston Road, as referenced in Mr. Lawhorn's letter, be agendaized for a future meeting. It is not his intent to do any finger-pointing, just to have an understanding about what happened there, what went wrong, and what can be approved administratively and what cannot.

C Frautschi raised the following issues:

- The pavers on the street in front of Peets are sticking up where one has to walk.
- When would the project at 1814 Oak Knoll come to the Commission? CDD Ewing replied that it is on appeal to the City Council and will not be coming back to the Commission unless Council sends it back.
- When would 905 South Road come to the Commission? CDD Ewing replied that it is still in redesign; staff had not heard from Mr. Graves.
- How does he go about getting Parks and Rec. to do more than they are doing? It was suggested by fellow Commissioners that he goes to their meetings and makes his feelings known.
- Thanked PP de Melo for his quick action on getting the Public Works Department to investigate backhoeing that was occurring at 1934 Arbor.

C Horton reported that she had attended a Forum Meeting where the topic was on public/private development, and they talked about the fact that there is little commercial development; its all residential and there was some interesting dialogue about retail and how impossible that is even though you wish for the tax revenue.

CDD Ewing reported his preliminary tally on the Priority Calendar votes:

1. Tree Ordinance	6. Sign Ordinance	11. Commercial Zoning
2. Historic Preservation	7. Building Height	12. Solar Access
3. Residential Guidelines	8. Admin. Code Enforcement	13. Zoning Ord. Definitions
4. CalTran/El Camino Real Planning	9. Parking Lot Screening and Lighting	14. Real Estate Signs
5. General Plan Update	10. Old Emmett House Site	15. Recognition of Commercial Properties

He stated that he would check his numbers and email the final version to Commissioners on the following day; any change would be because he hadn't added correctly. The Priority Calendar will go to the Council at their meeting on March 8th.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, FEBRUARY 22, 2005.

Liaison: Commissioner Horton

Alternate Liaison: Commissioner Dickenson

9. ADJOURNMENT:

The meeting adjourned at 10:20 p.m. to a regular meeting on March 1, 2005 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.